

01.04.2024
Item No.A24
Ct. No.238
S.A.

WPA 14444 of 2023

Sukumar Majumder & Ors.
-vs-
The State of West Bengal & Ors.

Mr. S. P. Pahari
Mr. A. Pradhan
Mrs. Arpita Pradhan
...for the petitioners
Mr. Sukalpa Seal
...for DPI
Mr. Sanat Kumar Biswas
...for the State
Mr. Sourav Mondal
Ms. Esha Das
...for Principal Accountant General

The petitioners have filed this writ petition, inter alia, challenging the propriety of paragraph 3 of a notification No. 385-L dated December 21, 2018 issued by the Department of Higher Education.

The father of the petitioners was a clerk at Kandi Raj College, Murshidabad. He died on September 11, 1971. . After his death, the mother of the petitioners was not given family pension in view of paragraph 3 of the said notification dated December 21, 2018. The mother of the petitioners also died on January 17, 2018. The petitioners' prayer for arrear family pension was rejected by the Director of Public Instruction, West Bengal by an order dated September 13, 2021.

The said order dated September 13, 2021, issued by the Director of Public Instruction, West Bengal is based on the notification dated December 21, 2018 appearing at page 40 of the writ petition.

Mr. Sukalpa Seal, learned advocate appearing for the Director of Public Instruction submits that during pendency of the writ petition, the Department of Higher Education of the State has issued a notification no. 174-Edn (CS) dated March 6, 2024 modifying paragraph 3 of the notification dated December 21, 2018.

Learned advocate appearing for the Director of Public Instruction has made over a copy of such notification dated March 6, 2024 to this court.

In view of the subsequent development, I dispose of this writ petition with a direction upon the petitioner to make a fresh representation before the Director of Public Instruction, West Bengal seeking arrear family pension.

If such representation is made before the Director of Public Instruction, West Bengal, the case of the petitioners should be considered in the light of the notification No. 174-Edn(CS)/DPI-14012/1/2023-OFFCR(DPI)-DPI dated March 6, 2024 within a period of one month from the date of communication of this order.

In view of the aforesaid, I also set aside the order dated September 13, 2021 issued by the Director of Public Instruction.

Accordingly, **WPA 14444 of 2023** is disposed of.

(Kausik Chanda, J.)